

EPA
c: James
Broadway

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0080

REPLY TO
ATTENTION OF

JUL 1 1992

Regulatory Branch

SUBJECT: Orange County Landfill
Town of Goshen, Orange County, New York

Mr. Mario Del Vicario
Chief, Marine and Wetlands Protection Branch
U.S. Environmental Protection Agency
26 Federal Plaza
New York, New York 10278

Dear Mr. Del Vicario:

The New York District of the U.S. Army Corps of Engineers has received and reviewed a proposed draft of an Administrative Consent Order between Orange County and the U.S. E.P.A., with regard to the unauthorized discharge of fill into waters of the United States, including wetlands, for the expansion of the Orange County Landfill, in the Town of Goshen, Orange County, New York. In a letter dated March 13, 1992, this office had recommended that your agency assume lead status on the enforcement aspects of this case, in accordance with the various agreements between the two agencies.

It appears that the Order, if adopted as it is currently proposed, would substantially address the principal enforcement issues of interest to this office. In light of this, the Corps of Engineers does not intend to take further enforcement action with regard to the unauthorized discharge of fill for the construction of the landfill.

It is noted that the Order requires that Orange County perform considerable mitigation, including wetlands creation and enhancement. If such mitigation involves the discharge of fill into waters of the United States, including wetlands (and it is most probable that mitigation on this scale would involve such work), then the mitigation project itself may require authorization from this office. Some provision for such authorization should be included in the Order to ensure that Orange County is aware that such review and permitting may be necessary.

If there is any additional coordination or technical support that this office could provide to your agency, particularly in the development and review of the mitigation project, in that this is an area in which this office has considerable experience and expertise that could be of value in terms of avoiding delays during the further processing of authorizations, you may be assured that such assistance will

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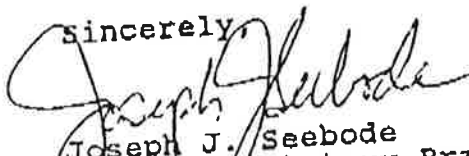
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be available at your request.

If any questions should arise concerning this matter,
please contact Dr. Chris Mallery, Chief of the Harbor
Supervision and Compliance Section, at (201) 264-9055.

Sincerely,



Joseph J. Seebode
Chief, Regulatory Branch

c: James E. Broadway, Esq.
J. Whitney, Esq., USEPA
Dan Montella, USEPA
Audrey Moore, USEPA
NYSDEC, Region 3
USFWS